



FREDERICK COUNTY PLANNING COMMISSION

January 11, 2012

TITLE: Old Frederick Estates lots 17A & 17B

FILE NUMBER: S211 (AP# 5972)

REQUEST: **Combined Preliminary/Final Plat**
Approval to resubdivide Lot 17 into two lots, creating one new lot in a major subdivision.

PROJECT INFORMATION:

LOCATION: Located at the northwest corner of the intersection of Old Frederick Road and Devilbiss Bridge Road.

ZONE: Residential (R-1)

REGION: Frederick

WATER/SEWER: No Planned Service

COMP. PLAN/LAND USE: Rural Residential

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT/OWNER: Jerry and Naomi Smith and Kevin and Valerie Stakes

ENGINEER: VanMar Associates

STAFF: Michael Wilkins, Development Review Principal Planner

RECOMMENDATION: **CONDITIONAL APPROVAL**

Enclosures:

Exhibit #1: Staff Report
Exhibit #2: Combined Preliminary/Final Plat

STAFF REPORT

ISSUE:

The applicant is proposing to resubdivide a lot (Lot 17 in Old Frederick Estates Subdivision), to create the 21st lot off the original parcel since 1965, thereby creating one new lot in a major subdivision. The proposal is subject to Frederick County Planning Commission (FcPc) review and approval per section 1-16-9 of the Subdivision Regulations.

BACKGROUND:

Lot 17 was originally recorded in 1999 as part of the Old Frederick Estates subdivision (S-211) and is currently unimproved without any dwellings.

This Application was reviewed by the FcPc on November 14, 2007. At that time the applicant proposed to resubdivide Lot 17 into three lots (two new lots and a remainder lot). The FcPc had concerns regarding the design of the three lots, specifically the use of panhandles to serve the two new lots. The FcPc granted conditional approval for percolation testing only, with the understanding that the plan would return to the FcPc for final approval.

Percolation testing has been successfully conducted and one of the lots proposed in 2007 has been dropped, eliminating the need for new panhandles.

ANALYSIS:

Major Subdivision Requirements

Lot 17A will have road frontage along Devilbiss Bridge Road and Old Frederick Road. Lot 17B will have frontage along Devilbiss Bridge Road as well as frontage along Old Frederick Terrace via the existing panhandle that was approved as part of the original Lot 17. All three roads meet or exceed the minimum 20-foot wide asphalt road requirements for major subdivisions.

Access

Both lots will gain access via Devilbiss Bridge Road. Lot 17A will utilize an existing entrance that was previously approved by the FcPc. The Applicant proposes a new single entrance to serve Lot 17B. The proposed entrances meet sight distance requirements and have been approved by Development Review Engineering Staff.

ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):

The subdivision is subject to APFO. Since 1991, seventeen (17) lots have been taken off the original parcel. This Application proposes one (1) additional lot, bringing the total number of lots taken off since 1991 to eighteen (18).

Schools:

The application was tested for and passed the Schools APFO test on November 30, 2011, as determined by Frederick County Public Schools.

Traffic:

This Application is exempt from road testing as it falls under the current trip threshold of 50 peak hour trips. As there are less than 6 new peak hour trips being generated by this one lot, no

Old Frederick Estates, Lots 17A-17B, Section 3

January 11, 2012

Page 2 of 3

contribution to existing escrow accounts is warranted per 1-20-13(H). There are no open escrow accounts in the vicinity of this subdivision.

Public Water and Sewer:

The site is served by private well and septic systems and does not utilize or impact public water/sewer facilities. Therefore, no testing is required.

Per 1-20-8(D)(1), the APFO approval is good for 3 years from planning commission conditional approval, after which it would expire unless the subdivision is recorded.

FOREST RESOURCE ORDINANCE (FRO):

FRO is not required for this plat. FRO was previously mitigated for the entirety of Lot 17 and the easement is recorded at Liber 2618, Folio 1022.

FINDINGS:

Based upon the findings in this report, and the conditions listed below, Staff finds that the application meets or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements once all Staff and agency comments and conditions are complied with. Staff has no objection to the proposed development.

RECOMMENDATION:

Should the FcPc approve this Application (S211, AP 5972) for the approval of one (1) new lot in a major subdivision, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Applicant shall add a note to the plan stating the Planning Commission approval and date.
3. The APFO approval shall be valid until January 11, 2013. If the lot is not recorded prior to this date, the application will require new APFO tests.